

85th Legislative Session – 2010

Committee: Senate Judiciary

Tuesday, February 02, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Gillespie
P Heidepriem
P Schmidt
P Tieszen, Vice-Chair
P Turbak Berry
P Vehle
P Abdallah, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Gene G. Abdallah, Chair.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 28, 2010

Moved by: Tieszen
Second by: Vehle
Action: Prevailed by voice vote.

MOTION: CONFIRM APPOINTMENT OF KENNETH D. ALBERS OF LINCOLN COUNTY, CANTON, SOUTH DAKOTA, TO THE BOARD OF PARDONS AND PAROLES

Presented by: Senator Gene Abdallah

Moved by: Abdallah
Second by: Turbak Berry
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Tieszen, Turbak Berry, Vehle, Abdallah

MOTION: CONFIRM REAPPOINTMENT OF TIMOTHY REISCH OF MINER COUNTY, HOWARD, SOUTH DAKOTA, TO THE POSITION OF SECRETARY OF THE DEPARTMENT OF CORRECTIONS

Presented by: Senator Julie Bartling

Moved by: Abdallah
Second by: Tieszen
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Tieszen, Turbak Berry, Vehle, Abdallah

MOTION: CONFIRM REAPPOINTMENT OF DENNIS L. KAEMINGK OF DAVISON COUNTY, MITCHELL, SOUTH DAKOTA, TO THE BOARD OF PARDONS AND PAROLES

Presented by: Senator Mike Vehle

Moved by: Vehle
Second by: Gillespie
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Tieszen, Turbak Berry, Vehle, Abdallah

MOTION: CONFIRM APPOINTMENT OF JACK HIEB OF BROWN COUNTY, ABERDEEN, SOUTH DAKOTA, TO THE BOARD OF PARDONS AND PAROLES

Presented by: Senator Turbak Berry

Moved by: Turbak Berry
Second by: Heidepriem
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Tieszen, Turbak Berry, Vehle, Abdallah

THE CHAIR DEFERRED SB 43 UNTIL ANOTHER DAY

SB 110: provide for the posting of a bond by parolees under certain circumstances.

Presented by: Senator Russell Olson

Questions: Jeremiah D. Murphy, self, Sioux Falls
Max A. Gors, Department of Corrections

MOTION: DO PASS SB 110

Moved by: Tieszen
Second by: Vehle
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Heidepriem, Schmidt, Tieszen, Turbak Berry, Vehle, Abdallah

Voting No: Gillespie

SB 44: authorize the Public Utilities Commission to conduct certain rule-making proceedings by teleconference.

Requested deferral: Rolayne Wiest, Public Utilities Commission

THE CHAIR DEFERRED SB 44 UNTIL ANOTHER DAY

SB 54: revise certain procedures for the commencement of civil actions by inmates.

Presented by: Max A. Gors, Department of Corrections

MOTION: AMEND SB 54

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On page 1, line 15, of the printed bill, delete "without a prior showing" and insert "that is not caused by a physical injury."

On page 2, delete line 1.

On page 2, line 8, after "21-27" insert "or to any civil action that does not arise from the terms or conditions of a prisoner's confinement".

Moved by: Turbak Berry
Second by: Gillespie
Action: Prevailed by voice vote.

MOTION: DO PASS SB 54 AS AMENDED

Moved by: Vehle

Second by: Tieszen

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Tieszen, Turbak Berry, Vehle, Abdallah

MOTION: ADJOURN

Moved by: Vehle

Second by: Tieszen

Action: Prevailed by voice vote.

Rena Ortbahn
Committee Secretary

Gene G. Abdallah, Chair